

EXHIBIT H

From: Conlee Whiteley <c.whiteley@kanner-law.com>
Sent: Friday, January 24, 2020 7:28 PM
To: Johnston, Sarah
Cc: Adam Slater (ASlater@mazieslater.com)
Subject: [EXTERNAL]RE: Valsartan Amended RFPs to Retailer and Dispensing Defendants
Attachments: 00029761.pdf

Hi Sarah—To answer your questions, the set of discovery we sent to you included Phase One and Phase Two requests. It was structured that way so that we could demonstrate what we had in mind for discovery between now and class certification briefing with the idea that part of the meet and confer process would be an attempt to agree as to what should be in each phase.

Moving many of our requests into Phase Two was part of our effort to abide by the Court's direction as to what he envisioned for early discovery from the Retailer Defendants. Some of the requests were by design over-inclusive to be further narrowed through discussion or in some instances remain, but with the expectation that various Retailer Defendants may answer that the request is inapplicable to that Retailer or that there are no responsive documents.

The set that we sent to you also included a Section XII, Defendant Fact Sheet in Response to Plaintiff Fact Sheet for your reference during our proposed call. It is our position that the separate DFS for the Retailers is to be used in lieu of that section.

I have attached a revised set of discovery that contains the Phase One discovery without Section XII for the reason stated above. We reserve our rights as to future discovery. Hopefully once you circulate this set among the Retailer Defendants along with the clarifications provided, things will move more quickly at your end. We are available to discuss this and answer any further questions in order to make headway before the hearing.

Thank you,

Conlee

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From: Johnston, Sarah <Sarah.Johnston@btlaw.com>
Sent: Thursday, January 23, 2020 6:06 PM
To: Conlee Whiteley <c.whiteley@kanner-law.com>
Cc: Adam Slater (ASlater@mazieslater.com) <ASlater@mazieslater.com>
Subject: RE: Valsartan Amended RFPs to Retailer and Dispensing Defendants

Hi Conlee,

Thank you for sending out the draft RFPs. I've circulated both the RFPs and the revised DFS proposal we got Tuesday to the other retailer defendants for review and discussion with their clients, and we're going to discuss on our side.

One question for you on the way these are divided up, because I think it will inform next steps: Is the "phase two" set of RFPs meant to simply communicate plaintiffs' intent to serve those at a later date, meaning that we should table meet and confer on those for now? Or is the goal to negotiate all of these now with the expectation that we'll figure out (or the court will order) a timeline for a second round of discovery at some point down the line?

Regardless, in terms of timing for our next conversation, I think it would make sense to set our next meet and confer for late next week, so that we can get necessary buy-in from all of the retailers' counsel and their clients. As with the last round, we will work quickly to get client input on the access to information and feasibility of the requests, but I don't think we'll be able to get full client sign-off on these in time for a meaningful meet and confer in advance of Tuesday's conference.

Would plaintiffs be amenable to informing Judge Schneider that we continue to make progress on these and that we're going to meet and confer further and report back to the court? My concern is that we have a lot to review and reach collective agreement on based on the new requests, and I don't want to rush the process and end up in a place where we have to hammer out more issues with Judge Schneider on things we may be able to agree on if not pressed for time. If you are agreeable to the approach, I suggest we advise the Court (either in our pre-conference filings or in a joint letter) that the parties are continuing to coordinate/make progress on the discovery, have a further meet and confer scheduled, and will present any outstanding issues relating to that discovery to the Court at the February status conference.

Let me know your thoughts, and thanks again.

Sarah

Sarah E. Johnston

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From: Conlee Whiteley <c.whiteley@kanner-law.com>

Sent: Wednesday, January 22, 2020 7:26 PM

To: Johnston, Sarah <Sarah.Johnston@btlaw.com>
Cc: Adam Slater (ASlater@mazieslater.com) <ASlater@mazieslater.com>
Subject: [EXTERNAL]Valsartan Amended RFPs to Retailer and Dispensing Defendants

Sarah—Please find attached a revised set of RFPs to the Retailer and Dispensing Defendants for your review before our next call. I will coordinate with Adam and suggest a time(s) for a call this week. Thank you, Conlee

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